



PATENT

Docket No.: TIP/FS1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of : B. Mells  
Application No. : 10/062,604  
Filed : January 31, 2002  
Examiner: : Connolly  
Group Art Unit : 2877  
For : METHOD AND APPARATUS FOR MEASURING A  
FREQUENCY OF AN OPTICAL SIGNAL

PETITION TO REVIVE UNDER 37 CFR 1.137(b)-DELAY UNINTENTIONAL  
AND 37 CFR 3.73(b) STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Attn: Examiner Connolly:

The above-identified application became abandoned due to the prior assignee's (Fiberspace, Inc.) failure to file a timely and proper reply to Notice of Allowance and Fees Due mailed on December 23, 2003.

The assignee of record at the USPTO of the above-identified patent application is Fiberspace, Inc. as shown on reel 012981, frame 0094. On April 4, 2003, Fiberspace, Inc. made a general assignment of all of its property and assets, including all patent rights, for the benefit of its creditors, to Equitable Transitions, Inc. as shown in the enclosed General Assignment. Equitable Transitions, Inc. was unable to find a purchaser for the patent rights, including rights in the above identified patent application until the April 8, 2004 sale to TIP Group, LLC, the current assignee, as shown in the enclosed Bill of Sale.

A Notice of Abandonment was received by Fiberspace, Inc.'s patent counsel on May 17, 2004. The undersigned received the Notice of Allowance and Fees Due on or about May 17, 2004 and an Authorization of Agent from TIP Group, LLC on or about October 15, 2004.

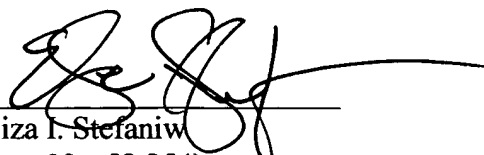
In response to the Notice of Allowance and Fees Due mailed on December 23, 2003, the undersigned states that the entire delay in filing the required reply, from March 23, 2004 to the filing of this petition to revive under 37 CFR 1.137(b) and amendment was unintentional on the part of TIP Group, LLC. Applicant hereby petitions for revival of the above-identified application and encloses the required response, small entity issue fee of \$685, and publication fee of \$300 herewith. In addition, the small entity petition fee of \$685 is enclosed herewith. The current assignee has claimed small entity status. The issue fee for this application is enclosed herewith. Since this utility patent application was filed after June 8, 1995, no terminal disclaimer is required.

### CONCLUSION

The undersigned requests that the above identified application be revived and proceed to issue. Should the Examiner have any questions regarding this paper or the application itself, the Examiner is invited to contact the undersigned at 202-554-2962.

Enclosed herewith is a paper entitled General Assignment dated April 4, 2003 and a paper entitled Bill of Sale dated April 8, 2004.

Respectfully submitted,

  
Eliza I. Stefaniw  
(Reg. No. 52,254)

Date: October 21, 2004

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